

-----X

JAMES BROWN

Claimant,

NOTICE OF CLAIM

-against-

THE CITY OF NEW YORK,

Defendant.
-----X

TO: COMPTROLLER OF THE CITY OF NEW YORK:

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against the City of New York as follows: **I was severely assaulted by a Captain, my teethe were knocked out and my mandable crushed .**

1. The name and post-office address of the claimant is as follows:

Mr. **JAMES BROWN**
3490620801
G.R.V.C.
09-09 Hazen Street
East Elmhurst, NY 11370

2. The nature of the claim is as follows: **I was severely assaulted by a Capt. while I was in handcuffs, my face was smashed against a cell wall crushing my mandable. I had to have extensive surgery done too remove two teethe of mine, I also have a concussion to my head.**

3. The time when, the place where, and the manner in which the claim arose:

The assault against my person took place in the main Intake area in pen # 11, the time of Incident was 0925 HRS. I was handcuffed and severely assaulted by a Captain, I had to receive extensive surgery to have my teethe removed. I was assaulted by a Captain Donovan shield "# 787, several officers witnessed this assault and did not stop it.

4. The items of damage or injuries claimed are:

I had two teeth surgically removed, my mandible was crushed, I received upper and bottom sutures in my mouth, I have a head concussion, I have soreness to my neck, shoulders, and chest area.

The claim and demand is hereby presented for adjustment and payment.

PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, in default of the City of New York to pay to the claimant his claim within the time limited for compliance with this demand by the City of New York by the applicable statutes, claimant intends to commence an action against the City of New York to recover his damages with interest and costs.

Pay claimant the sum of: TWENTY MILLION DOLLARS (20,000,000)

Dated: East Elmhurst, New York

April 24, 2007.

Respectfully yours,

JAMES BROWN

Claimant Pro-se

James Brown
JAMES BROWN

Sworn to before me this
24 day of Sept. 2007
[Signature]
NOTARY PUBLIC
Jewel Caldwell
Commissioner of Deeds
City of New York No. 41-6863
New York County
Commission Expires March 1, 2009

I am the claimant above named; I have read the foregoing Notice of claim against the City of New York and know its contents; the same is true to my own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

JAMES BROWN, being duly sworn, deposes and says:

STATE OF NEW YORK)
COUNTY OF BRONX) SS.:

VERIFICATION

HARDING & MOORE
ATTORNEYS AT LAW
80-59 LEFFERTS BOULEVARD
KEW GARDENS, NEW YORK 11415

JAMES P. HARDING
A. PATRICIA MOORE

TEL: (718) 805-1500
FAX: (718) 805-1503
E-MAIL: hardingandmoore@yahoo.com

NASSAU COUNTY OFFICE
58 HILTON AVENUE
HEMPSTEAD, N.Y. 11550
(516) 352-1700

August 26, 2008

Michael A. Cardozo
Corporation Counsel
The City of New York
100 Church Street
New York, New York 10007

Attention: Shawn D. Fabian,
Assistant Corporation Counsel
Special Federal Litigation Division

Re: James Brown v. Donovan, et al.
No.: 08-CV-06133 (GEL)

Dear Mr. Fabian:

Enclosed please find our Initial Disclosure pursuant to Rule 26 of the Federal Rules of Civil Procedure.

The following are the items provided as plaintiff's Initial Disclosure:

1. Inmate Grievant's Statement Form dated April 24, 2007.
2. Letter Appeal (undated) to Ms. Breland, Deputy Warden of Security.
3. Hearing report and Notice of Disciplinary Disposition dated April 19-April 20, 2007, signed by James Brown and Captain A. Taylor (two-sided document).
4. Report and Notice of Infraction dated April 5, 2007.
5. Pro Se Notice of Claim dated April 24, 2007.
6. Disallowance based on insufficient proof from Office of the Comptroller dated May 10, 2007.

(continued on Page 2)

Michael A. Cardozo, Corporation Counsel

Attention: Shawn D. Fabian, Assistant Corporation Counsel

August 26, 2008

Re: James Brown v. Donovan, et al.

No.: 08-CV-06133 (GEL)

Page 2

7. Second Pro Se Notice of Claim dated May 19, 2007.

8. Acknowledgement of Tort Claim number 2007PI013676 from Office of the Comptroller dated May 9, 2007.

9. Letter dated June 18, 2007 from Darcy L. Hirsh, Legal Aid Society, to James Brown.

10. Letter dated June 7, 2007 from Darcy L. Hirsh, Legal Aid Society, to Richard White, Deputy Commissioner of Investigations, New York City Department of Corrections.

11. Letter of representation dated June 29, 2007 from Harding & Moore, Esqs. to Office of the Comptroller on Claim Number 2007PI1015801.

12. Appeal (undated) by James Brown from Decision on Infraction Number 283/2007.

13. Eye Glass Order Form dated May 24, 2008 for James Brown.

14. Copies of prescriptions for denture adhesive cream, Esoneprazole, and Naproxen.

15. Prison Health Services Chart for James Brown, including records of treatment for injuries alleged in Complaint.

16. Copy of article written by Graham Rayman in Village Voice of July 11/July 17, 2007 referring (at pages 6 and 7) to James Brown incident and statement by James Brown.

17. Notice of 50-H Hearing dated September 5, 2007.

18. Stipulation dated October 18, 2007 regarding 50-H Hearing.

(continued on Page 3)

Michael A. Cardozo, Corporation Counsel
Attention: Shawn D. Fabian, Assistant Corporation Counsel
August 26, 2008
Re: James Brown v. Donovan, et al.
No.: 08-CV-06133 (GEL)
Page 3

19. Felony Complaint filed in Criminal Court of the City of New York, County of New York under Docket No. 2006NYO79825 and dated November 20, 2006, charging James Brown with two counts of Robbery in the First Degree.

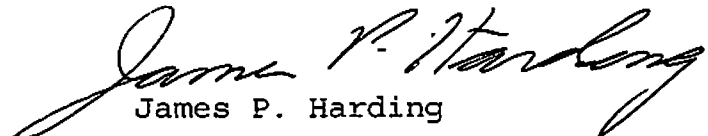
20. Copy of Indictment filed in Supreme Court, New York County, charging James Brown with Robbery in the First Degree.

21. People's Voluntary Disclosure Form filed in Supreme Court, New York County.

We will continue to provide Initial Disclosure as required. We believe that the enclosed make our Initial Disclosure substantially complete. We are still awaiting signed Authorizations from our client.

Do not hesitate to contact us should you have any questions.

Very truly yours,



James P. Harding

JPH/lr
Enclosures
via Priority Mail and via ECF

GRIEVANT'S STATEMENT FORM

Form 7316

Facility: G.R.V.C Grievance number: _____Grievant's name: James Brown Date: April 24, 2007

This form should be hand written by the grievant only. It should be used as a work sheet from which grievance is typed onto the inmates Grievance Form and remains on file in the Grievant's Folder.

ID# 3490620801 Cat _____ House 1A -12 cell

On April 5, 2007 at the O.B.C.C. CORR. FAC. Approx. time of
Incident 0925 HRS. I was escorted to the main Intake In handcuffs,
while I was facing the wall I was brutally assaulted by Captain
Donovan while I was handcuffed behind my back. My teeethe were
knocked out and extensive surgery had to be performed on me ..

Action

Requested My grievant placed In file, full compensation to cover my
medical expenses, physical and mental compensation,

Grievant agrees to have his statement edited for clarification by the I.G.R.P.

April 24, 2007

Dated: _____

James Brown
 Grievant's signature

 Witness I.G.R.P. Representative

James Brown 3490620801

09-09 Hazen Street (G.R.V.C.)

East Elmhurst, N.Y. 11370

Ms. Breland, W.D. Of Security
09-09 Hazen Street (G.R.V.C.)
East Elmhurst, N.Y. 11370

Dear Ms. Breland,

I James Brown respectfully write this appeal to you and pray, with the grace of God, that you can consider viewing the validity and merits of my situation, and In conclusion grant me relief from the punitive segregation unit.

Ma'am, I am clearly a victim of Departmental corruption, and my Infraction is merely a concocted report to cover up a untimely assault against my person that lead up to my receiving extensive Injuries that required Immediate surgery and had to be noted and accounted for with the medical dept. as well as the private investigating unit.

I was assaulted by a Captain Donovan while I was handcuffed behind my back, I diligently expressed all the out right blatant fabricated inconsistencies pertinent to my Infraction to the hearing Captain Taylor and yet, I was stioll found guilty of assault on staff. Capt. Taylors fact finding reasons of guilt was based on his investigation of all relevant reports by staff regarding this incident. In each "Use Of Force Report" there are different events and accounts as to what truly transpired, Inwich gives tremendous presidence to my stead fast convictions that I was brutally and viciously assaulted while I was handcuffed; and the fabricated reports are merely standard procedure attempting to cover up a assault against my person.

limited. I'm already at pre-trial hearings and I still have much needed work

for. Being in punitive segregation makes my access to the law library very open criminal case I'm fighting that I can possibly receive a life sentence - summer), and to add salt to a injury and open wound; I have a rather serious incident. I was abruptly thrown in the Ring for 90 days (which is the entire - disfigurement, and other physical ailments bestowed upon me due to this clearly see that I was handcuffed, beat up, teeth knocked out, facial - I'm pleading with you Ma'am to please try to empathize with my situation and to relieve me from a undeserving disposition of 90 days punitive segregation. and Implore you to please intervene and incorporate something withen reason Ms. Ireland, In all fairness, and in the interest of justice, I ask

lawsuit action. assaulted while In handcuffs, no one wants to be named as a defendant in a that he nor any of the staff involved will openly admit that I was unlawfully history of assaulting inmates for any mis-deeds. It's clearly expected It's to my understanding that the Captain who assaulted me has a

to warrant a violent response from me as described in report. be issue. The initial situation was not grave or serious in nature like that provocation, or warning in a violent way as a solvent to any potential would drugs that can alter my physical demeanor to react without any given cause, or psychologically ill, nor do I take any prescription or non prescription ending remedy. In addition to my defense of this matter, I am not mentally potential resistance is met, that corporal punishment is implemented as a I'm quite sure that it's not considered protocol for each time

of the uniform is upheld with prestige and honor. staff level of professionalism and ethics are demonstrated and the integrity ponder at what point, without the scrutiny of cameras and witnesses, do D.O.C. Marriot hotel, untimely events can and will happen in prison. I do seriously designed to accomodate a individuals precise specifications as that of the I understand perfectly the dynamics of prison and how it's not

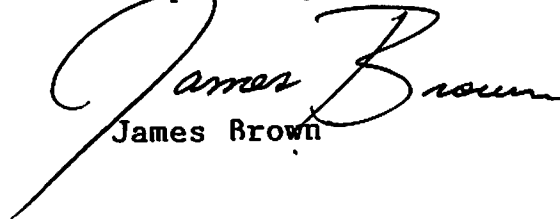
another, especially to side with that of a inmate. D.O.C. it's considered code of ethics for one officer not to go against Ms. Ireland, with respect, I cannot rightfully state that withen the

- done on my case to prepare an adequate defense to vindicate myself of alleged charges against my person. I cannot do much of anything if I'm to remain in this ungodly situation based on my being assaulted and the situation being maliciously swept under the rug to avoid a lawsuit that's inevitable in my circumstances, my teeth has to be replaced. Besides, the Captain has admitted to being the cause of the injuries I sustained. Please see " USE OF FORCE REPORT ".

In conclusion of my appeal to you, with all of the above said, I strongly feel the over all ramification of this situation has proven to be quite primitive and unjustly and unbecoming of the D.O.C. to say the least. Please inspect the reports governing this incident and view the tapes of my hearing, and thus you will see that I am innocent and I was merely a victim in this entire incident.

To receive or hear anything from you on this matter will be Greatly and Immensely appreciated. Thank You for your time, consideration, and over-all patience!!

Respectfully Yours,

A handwritten signature in cursive script that reads "James Brown". The signature is written in dark ink and is positioned above the printed name "James Brown".

James Brown

I JAMES BROWN AM APPEALING DISCIPLINARY DISPOSITION DATED
APRIL 20, 2007 INFRACTION # 283/07.

MY GROUNDS FOR APPEAL ARE AS FOLLOWS:

ALL PARTIES PERTAINING TO MY INFRACTION WROTE FABRICATED REPORTS OF CONFLICTING FALSE STATEMENTS AS TO THE EVENTS OF THE INCIDENT. PLEASE SEE OFFICER B. HOLCOMB # 15969 INITIAL INFRACTION AGAINST MY PERSON. HE STATES I PUNCHED CAPTAIN DONOVAN # 787 IN THE LEFT SIDE OF THE FACE, AND CAPTAIN DONOVAN DEFENDED HIMSELF BY THROWING PUNCHES TO THE SUBJECTS FACIAL AREA. HOWEVER, IN CAPTAINS DONOVAN USE OF FORCE REPORT HE STATES HE DEFENDED HIMSELF BY HITTING ME IN THE STOMACH AREA AND THROWING ME AGAINST THE WALL CAUSING MY FACE TO SMASH AGAINST THE WALL. HE NEVER STATED HE THREW PUNCHES TO MY FACIAL AREA AS OFFICER B. HOLCOMB STATES HE DID IN HIS REPORT. THIS GIVES SUFFICIENT ENOUGH EVIDENCE TO SUPPORT MY ALLEGATIONS THAT MY INFRACTION WAS COMPLETELY CONCOCTED TO SAY THE LEAST. FURTHERMORE, IN OFFICER SARNO OR SURIEL SUPPORTING REPORT STATES HE HEARD A NOISE FROM THE BACK AREA AND IMMEDIATELY RESPONDED TO THE AREA, IF THIS WAS TRUE THIS ALSO GIVES SUBSTANCE AND MERIT TO THE VALIDITY OF MY ARGUMENT THAT THE INFRACTION IS COMPLETELY FABRICATED. HOW IS IT POSSIBLE FOR OFFICER SARNO OR SURIEL TO BE PRESENT FIRST ON THE SCENE TO ASSIST CAPTAIN DONOVAN IN USING BODY CONTROL HOLDS TO PLACE ME ON THE FLOOR TERMINATING THE INCIDENT, WHEN IN FACT OFFICER B. HOLCOMB REPORT STATES HE OBSERVED ENTIRE INCIDENT, BUT YET HE PLAYED NO ACTIVE ROLE IN ASSISSTING CAPTAIN DONOVAN WORTH-SO-EVER AND MARELY ACTED AS A SILENT OBSERVER IS TOTALLY PERPOSTUROUS; AND DEFINETELY NOT THE STANDARDS, ETHICS, OR PROTOCOL OF THE D.O.C. RULES AND REGULATIONS.

THE EXTENT OF MY INJURIES SUSTAINED DUE TO CAPTAIN DONOVAN'S ASSAULT AGAINST MY PERSON ARE AS FOLLOWS:

TO THE INTAKE.

THE LAW LIBRARY ON MY OWN ACCORD BEFORE I WAS ACTUALLY HANDCUFFED AND ESCORTED AND PASSED SECURITY POINTS OF TWO DOORS AND TWO ESSENTIAL GATES ENROUTE TO TO ME TO BE ESCORTED TO THE INTAKE. IN FACT, I WAS GIVEN A LAW LIBRARY PASS OF ANY KIND OF MY BEING DISRUPTIVE IN 3 NORTH HOUSING AREA THAT WARRANTED THERE WAS NO MOTIVE AT ALL FOR ME TO ASSAULT ANYONE, AND THERE WAS NO REPORT IN CONCLUSION OF MY APPEAL, I WOULD LIKE IT TO BE NOTED THAT

RESPECTS TO CARE, CUSTODY, AND CONTROL.

PARTIES IN PARTICULAR NO BETTER THAN THE INMATES THEY GOVERN OVER IN - OF JUSTICE" AND REFLECTS THE D.O.C. IN A VERY POOR LIGHT THAT MAKES THE PROCEEDINGS OF THIS MATTER IS NOTHING MORE THAN A "SHAM" AND A "MISCARRAIGE- ME WHILE I WAS IN HANDCUFFS, AND THE INFRACTION, HEARING, AND INVESTIGATION - # 342) ARE MERELY AIDING AND ABETTING CAPTAIN DONOVAN'S CRIME OF ASSAULTING INCIDENT (INCLUDING INVESTIGATING CAPTAINS TAYLOR # 597 AND CAPT. ERSKINE - IN HANDCUFFS WAS PREMEDITATED, AND ALL OFFICERS THAT PARTICIPATED IN THIS CAPTAIN DONOVAN'S ASSAULT AGAINST MY PERSON WHILE I WAS

THE LEAST.

GIVES PRESDENCE TO MY CLAIMS THAT HIS REPORT WAS INDEED CONCOCTED TO SAY AND DEMONSTRATES CAPTAIN DONOVAN'S LACK OF PROFESSIONALISM AND ETHICS AND FAILURE TO TURN IN A USE OF FORCE REPORT IN A TIMELY MANNER, THIS REFLECTS. ADJOURNMENT OF ADJUDICATION CAPTAIN TAYLOR # 597 BASED ON CAPTAIN DONOVAN'S VIOLENCE ON ANYONE BE IT STAFF, INMATE, OR MYSELF. ALSO THERE WAS AN DRUGS OR ALCOHOL THAT COULD POSSIBLY RENDER ME IMPAIRED TO RESORT TO AFTER INCIDENT INWHICH I WAS CLEAN AND VOID OF ANY CHEMICAL MIND INDUCING ALSO A URINALYSIS TEST WAS IMMEDIATELY CONDUCTED ON ME IMMEDIATELY THEREIN MARKINGS ON MY HANDS THAT DICTATES SIGNS OF PHYSICAL VIOLENCE ON MY PART. I HAD PHOTO'S TAKEN OF MY HANDS TO SHOW THAT THERE WAS NO ABRASIVES OR IN ADDITION TO MY PLEA OF NOT GUILTY AND APPEAL OF THIS MATTER,

JAMES BROWN

RESPECTFULLY YOURS,

TO RECEIVE OR HEAR ANYTHING FROM YOU ON THIS MATTER WILL BE GREATLY
AND IMMENSELY APPRECIATED. THANK YOU FOR YOUR TIME AND PATIENCE!!!

I RECEIVED 90 DAYS AT HEARING, WHEN IN FACT, IF MY INCIDENT WAS
TRULY INVESTIGATED IN THE INTEREST OF JUSTICE, THE CORRECTIONAL STAFF
INVOLVED IN THIS INCIDENT VERY OWN REPORTS WOULD EXONERATE ME BEYOND A
SHADOW OF A DOUBT. I DID NOT ASSAULT ANY ONE, MY APPEAL IS BASED ON THE MANY
CONFLICTING REPORTS OF WHAT THE STAFF HAD TO SAY ATTEMPTING TO COVER UP
AN ASSAULT AGAINST MY PERSON, PLEASE VIEW ALL REPORTS OF PARTIES INVOLVED
AND INCONCLUSION SEE THE VALIDITY AND MERITS OF MY CLAIMS OF NOT GUILTY AND
EXONERATE ME OF CHARGE.

PLEASE NOTE THAT IT WOULD BE NATURAL REFLEXES AND SURVIVAL
INSTINCTS FOR ANY ONE TO SHIELD OR BLOCK WITH HIS/HER ARM OR HANDS TO
PREVENT OR BREAK A FULL FRONTAL FACIAL FALL AGAINST A WALL OR THE GROUND,
I WAS DEPRIVED THAT OPPURTUNITY BECAUSE I WAS HANDCUFFED BEHIND MY BACK
DURING THE ENTIRE TIME OF CAPTAIN DONOVANS ASSAULT AGAINST MY PERSON.

MY UPPER MANDIBLE WAS SEVERELY CRUSHED DUE TO THE FORCEFUL IMPACT
OF MY FACE BEING VIOLENTLY SMASHED INTO THE WALL. I HAD TO HAVE EXTENSIVE
SURGERY ON MY UPPER MANDIBLE, A FEW OF MY TEETH WERE IRREPAIRABLY
DAMAGED AND HAD TO BE SURGICALLY REMOVED, MY UPPER AND BOTTOM GUM HAD TO
RECEIVE SUBSTANTIAL AMOUNT OF SUTURES AS MY TEETH TORE THROUGH THEM FROM
THE BRUTAL WAY MY FACE WAS SMASHED AGAINST THE WALL. I HAVE A CONCUSSION OF
THE HEAD AND SERIOUS MIGRAINE HEADACHES DUE TO MY HEAD BEING BANGED SEVERAL
TIMES ON THE WALL. MY VISION IS SLIGHTLY BLURRED AS A RESULT OF THIS ASSAULT
AGAINST MY PERSON. I ALSO HAVE SEVERE SPEECH IMPEDIMENT PROBLEM NOW AS A RESULT
OF MY TEETH BEING SURGICALLY REMOVED. THERE'S A SLIGHT DISFIGUREMENT OF MY
FACIAL STRUCTURE AS MY UPPER LIP NOW HAS A INWARD INDENTION DUE TO A CRUSHED
MANDIBLE AND LOSS OF TEETH. I HAVE ACUTE PHOBIA OF BEING HANDCUFFED AND
FEAR OF BEING HANDCUFFED IN THE VICINITY OF ANY STAFF OF THE D.O.C. . I ALSO
HAVE LOSS OF HEARING IN MY RIGHT EAR.